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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,208	08/01/2001	Marc E. Fusco	020366-079300US	5749

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,208

Applicant(s)

FUSCO, MARC E.

Examiner

Jefferey F. Harold

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15, 16, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 16, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1, 3-5 and 8*** are rejected under 35 U.S.C. 102(e) as being anticipated by Fleck et al. (United States Patent 6,728,354), hereinafter referenced as Fleck.

Regarding **claim 1**, Fleck discloses methods and devices for outputting audio announcements using CID related parameters. In addition, Fleck discloses a method for alerting a user at a terminal location of an incoming phone call, the method comprising steps of: receiving a criterion manually entered by the user before the incoming phone call is placed; receiving notification of the incoming phone call with an identifier associated with the incoming phone call; detecting the identifier associated with the incoming phone call; correlating, at the terminal location, the identifier with the pre-recorded voice announcement using the criterion; and playing the pre-recorded voice announcement at the terminal location, as disclosed at column 4, line 31 through column 5, line 9, as exhibited in figures 1 and 2.

Regarding **claim 3**, Fleck discloses everything claimed as applied above (see claim 1), in addition, Fleck discloses wherein the step of correlating the identifier comprises the following step correlating a phone number with a pre-recorded voice announcement; correlating a portion of the phone number with a pre-recorded voice announcement; and correlating a caller ID name with a prerecorded voice announcement, as disclosed at column 4, line 31 through column 5, line 9, as exhibited in figures 1 and 2.

Regarding **claim 4**, Fleck discloses everything claimed as applied above (see claim 1), in addition, Fleck discloses recording the pre-recorded voice announcement, as disclosed at column 6, line 20-59 and exhibited in figure 3.

Regarding **claim 5**, Fleck discloses everything claimed as applied above (see claim 4), in addition, Fleck discloses a step of storing the pre-recorded voice announcement with consumer phone equipment, as disclosed at column 6, line 20-59 and exhibited in figure 3.

Regarding **claim 8**, Fleck discloses everything claimed as applied above (see claim 1), in addition, Fleck discloses a computer readable medium having computer executable instructions for alerting the user of the incoming phone call, as disclosed at column 6, line 20-59 and exhibited in figure 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claim 2*** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck in view of Busardo (United States Patent 7,031,453).

Regarding ***claim 2***, Fleck discloses everything claimed as applied above (see claim 1), in addition, Fleck discloses a step of receiving the pre-recorded voice announcement for the incoming phone call, as disclosed at column 4, line 31 through column 5, line 9, as exhibited in figures 1 and 2, however, Fleck fails to disclose wherein the pre-recorded voice announcement is received from a point geographically separate from the terminal location. However, the examiner maintains that it was well known in the art to provide wherein the pre-recorded voice announcement is received from a point geographically separate from the terminal location, as taught by Busardo.

In a similar field of endeavor Busardo discloses telephony ring customization. In addition, Busardo discloses wherein the pre-recorded voice announcement is received from a point geographically separate from the terminal location as disclosed at column 5, line 6 through column 6, line 45 and exhibited in figure 4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fleck by specifically providing wherein the pre-recorded voice announcement is received from a point geographically separate from the

terminal location, as taught by Busardo, for the purpose of ease of ring customization using a web interface.

3. **Claims 6 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck in view of Kredo.

Regarding **claim 6**, Fleck discloses everything claimed as applied above (see claim 1), however, Fleck fails to disclose a step of interrupting a phone call to play the pre-recorded voice announcement. However, the examiner maintains that it was well known in the art to provide a step of interrupting a phone call to play the pre-recorded voice announcement, as taught by Kredo

In addition, Kredo discloses a step of interrupting a phone call to play the pre-recorded voice announcement, as disclosed at column 3, line 50 through column 4, line 49 and exhibited in figures 1 and 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fleck by specifically providing a step of interrupting a phone call to play the pre-recorded voice announcement, as taught by Kredo, for the purpose of ease of ring customization using a web interface and providing CID information to a visually impaired user.

Regarding **claim 7**, Fleck discloses everything claimed as applied above (see claim 1), however, Fleck fails to disclose a step of playing the pre-recorded voice announcement with an earpiece. However, the examiner maintains that it was well

known in the art to provide a step of playing the pre-recorded voice announcement with an earpiece, as taught by Kredo

In addition, Kredo discloses a step of playing the pre-recorded voice announcement with an earpiece, as disclosed at column 3, line 50 through column 4, line 49 and exhibited in figures 1 and 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fleck by specifically providing a step of playing the pre-recorded voice announcement with an earpiece, as taught by Kredo, for the purpose of providing CID information to a visually impaired user.

4. ***Claims 9-13, 15, 16, 19 and 20***, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck in view of Chen (United States Patent Application Publication 2002/0094076).

Regarding **claim 9**, Fleck discloses a method for alerting a user of telephone equipment of an incoming phone call, the method comprising steps of: recording a voice announcement to create a pre-recorded voice announcement; receiving a selection that helps correlate the pre-recorded voice announcement to an identifier, wherein the selection is manually entered by the user prior to the incoming phone call; receiving notification of the incoming phone call that indicates the identifier associated with the incoming phone call; detecting the identifier associated with the incoming phone call; correlating the identifier with the pre-recorded voice announcement using the selection; and playing the pre-recorded voice announcement, however, Fleck fails to disclose

playing with a speaker separate from an earpiece, wherein the pre-recorded voice announcement is played when the telephone equipment is not engaged in an ongoing phone call. However, the examiner maintains that it was well known in the art to provide playing with a speaker separate from an earpiece, wherein the pre-recorded voice announcement is played when the telephone equipment is not engaged in an ongoing phone call, as taught by Chen.

In a similar field of endeavor Chen discloses telephone caller identification. In addition, Chen discloses playing with a speaker separate from an earpiece, wherein the pre-recorded voice announcement is played when the telephone equipment is not engaged in an ongoing phone call, as disclosed at paragraphs [0022] through [0025], [0075] and exhibited in figures 1 and 2.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fleck by specifically providing playing with a speaker separate from an earpiece, wherein the pre-recorded voice announcement is played when the telephone equipment is not engaged in an ongoing phone call, as taught by Chen, for the purpose of allowing the user to screen telephone calls without being in close proximity of the telephone unit itself.

Regarding **claims 10-13, 15, 16, 19 and 20** they are interpreted and thus rejected for the reasons set forth above in the rejections of claims 1, 3-5, 8 and 9.

Response to Arguments

5. Applicant's arguments with respect to claims 1-13, 15, 16, 19 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F. Harold whose telephone number is 571-272-7519. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH
May 12, 2006



Jefferey F Harold
Primary Examiner
Art Unit 2614